

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

STANTON Q. SHELTON,)	
)	
Petitioner,)	
)	
v.)	No. 4:15-CV-556-CEJ
)	
GERARD A. NESTER,)	
)	
Respondent,)	

MEMORANDUM AND ORDER

This matter is before the court on petitioner's motion for leave to proceed in forma pauperis [Doc. #2] and amended petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 [Doc. #5]. Upon review of petitioner's financial information, the motion to proceed in forma pauperis will be granted.

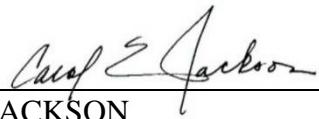
Liberally construing the petition, it appears that petitioner has been adjudicated incompetent in state court proceedings, and he is challenging the appointment of a guardian over his person. Petitioner currently has pending before the court a previous challenge to the guardianship, Shelton v. Nester, 4:13-CV-1050-SNLJ-NAB (E.D. Mo.). The subject matter of the instant petition is duplicative of the previous case. As a result, the court will dismiss the instant petition without prejudice. Additionally, the court will not issue a certificate of appealability.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for leave to proceed in forma pauperis [Doc. #2] is **granted**.

An Order of Dismissal will be filed separately.

Dated this 30th day of April, 2015.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE